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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/675,526	09/30/2003	John R. Brunner	004381.000004	6089

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EXAMINER

ALI, MOHAMMAD M

ART UNIT PAPER NUMBER

3744

DATE MAILED: 08/23/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/675,526	<b>Applicant(s)</b> BRUNNER ET AL.	
	<b>Examiner</b> Mohammad M Ali	<b>Art Unit</b> 3744	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 30 September 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) 15-19 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Election/Restrictions*

Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claims 1-14, drawn to an apparatus comprising boat, classified in class 62, subclass 240.
- II. Claim 15-19, drawn to a method of cooling the ambient air, classified in class 62, subclass 99.

The inventions are distinct, each from the other because of the following reasons:

Inventions II and I are related as process and apparatus for its practice. The inventions are distinct if it can be shown that either: (1) the process as claimed can be practiced by another materially different apparatus or by hand, or (2) the apparatus as claimed can be used to practice another and materially different process. (MPEP § 806.05(e)). In this case the process as claimed can be practiced by another materially different apparatus, which does not have cap or by hand.

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

Because these inventions are distinct for the reasons given above and the search required for Group I is not required for Group II, restriction for examination purposes as indicated is proper.

During a telephone conversation with James F. Bradley on 08/02/04 a provisional election was made without traverse to prosecute the invention of I, claims 1-14.

Affirmation of this election must be made by applicant in replying to this Office action.

Claims 15-19 are withdrawn from further consideration by the examiner, 37

CFR 1.142(b), as being drawn to a non-elected invention.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 1-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bianchi (6,414,399 B1) in view of Deppert et al., (5,358,457).

Bianchi discloses an operating unit 1 including a boat having an engine 2, and a water pump 23 having a water intake 24 that draws water from a body of water on which the boat floats and circulates the water for cooling the engine 2, a refrigerant compressor 18 driven by the engine 2, a refrigerant condenser 30 having a refrigerant passage and a

Art Unit: 3744

water passage in thermal communication with each other, the refrigerant passage having an inlet connected to an outlet of the compressor, the water passage being connected to the water intake 24 for cooling the refrigerant, an evaporator 35 connected between the condenser 30 and inlet of the compressor 18 for exchanging heat with ambient air in the boat. Bianchi discloses the invention substantially as claimed as stated above. See Fig. 2, 5, 11 and column 5, lines 33-41; column 6, lines 44-48. However, Bianchi does not disclose a cap. Deppert et al., teach the use of a cap/cover 17 mounted to a pulley 9a, covering a hub 36/3b, maintaining a gap between the hub 3b and cap/cover 17 in a compressor 18 for the purpose of containing any sparks generated there (inherent). See Fig. 2. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the operating unit of Bianchi in view of Deppert et al., such that a cap/cover could be provided in order to contain any sparks generated there. Regarding claims 3 and 10 claiming internal surface of the cap receives outer circumferential edge on the pulley is an obvious choice of the individual skilled in the art since there is no criticality or unexpected result from it.

Claims 3 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bianchi (6,414,399 B1) in view of Deppert et al., (5,358,457) as applied to claims 1 and 8 above and further in view of Koitabashi (5,396,976). Bianchi in view of Deppert et al., discloses the invention substantially as claimed as stated above. However, Bianchi in view of Deppert et al., does not disclose an internal diameter of a cap/cover that closely receives an outer circumferential edge on the pulley. Koitabashi teaches the use of an

Art Unit: 3744

internal diameter of a cap/shield 50 that closely receives outer rim surface 34 of a pulley 24 in a compressor clutch assembly for the purpose of shielding dust and containing any sparks generated there (inherent). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the operating unit of Bianchi in view of Deppert et al., and further in view of Koitabashi such that a cap/shield could be provided in order to receive the outer circumferential edge of the pulley and contain any sparks generated there.

Any inquiry concerning this communication or earlier from the examiner should be directed to Mohammad M. Ali, whose telephone number is (703) 308-5032. The examiner can be reached from 6:15am to 4:30pm from Monday to Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Denise Esquivel, can be reached at (703) 308-2597. The fax number for the organization where this application or proceeding is assigned is 703-308-7764 for regular communications and after-final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0861.

  
Mohammad M. Ali

August 3, 2004